



**Office of Quality Assurance
Division of Developmental Disabilities**

**Requirements For Community Agencies For
Reporting Serious Incidents Involving Adults
With Developmental Disabilities**

Revised June 2004

**Craig Stenning
Acting Executive Director**

**Susan L. Babin
Administrator**

Serious Reportable Incidents

- **Reporting Requirements**
- **Incident Classification/Definitions**

These revised reporting requirements are effective for July 1, 2004.

Reporting Requirements

Any individual who has knowledge of or reasonable cause to believe that a person with a developmental disability has been abused, neglected, mistreated or involved in a serious reportable incident shall make, within twenty-four (24) hours or by the end of the next business day, a formal report on the incident by calling the Office of Quality Assurance (QA), Division of Developmental Disabilities (DDD) at 462-2629.

The Office of Quality Assurance has established a 24 hour pager system, which is available 7 days a week to respond to emergency situations/serious incidents which occur after normal working hours. The pager number is included on the message tape of the 462-2629 telephone number. An administrative staff person or representative from QA will return the page to respond to a call relating to a serious incident, to answer questions and to provide support or direction to any staff or individual regarding a particular incident.

Incident Classification/Definitions

An Incident is any situation in which a person with a developmental disability is harmed, may be harmed or is involved in an event, which causes concern for the person's health, safety and/or welfare. This includes individuals 18 years of age and older who have graduated from high school and receive services from the Division of Developmental Disabilities and/or an agency licensed by the Department of MHRH.

All community agencies licensed by the Department of MHRH or any other certified/approved providers are required to document incidents involving any person who receives supports/services from their agency. Every agency should have a policy which defines incidents, the types of incidents which need to be reported within the agency and the process for reporting and documenting an

incident. The process should include the specific responsibilities of the agency's Incident Management Committee to review, classify and respond to incidents. The Division may request information/data from agencies on the numbers/types of incidents that are internally reported.

Serious Reportable Incidents, because of the severity or significance of the event, are to be included not only in the organization's internal incident management system, but are also to be reported to the **Office of Quality Assurance, (QA)**, Division of Developmental Disabilities, and other external authorities/agencies identified by law or regulation, as necessary.

The intent of reporting is to enable administrative staff to become aware of problems, to take corrective action and to minimize the potential for recurrence of the same or similar incidents. The prompt reporting of incidents can ensure that immediate steps are taken to protect people with developmental disabilities from any further harm.

Note: The content for these definitions comes from MHRH licensing regulations, MHRH/DDD policies and from RI General Laws (Title 40 Chapter 26 Rights for Persons with Developmental Disabilities and Chapter 27 Penalties for Abuse; Title 11 Criminal Offenses Chapter 5 Assaults and Chapter 37 Sexual Assaults; Title 23 Health and Safety Chapter 17 Abuse in Health Care Facilities)

This document lists the types of incidents which must be reported to the Office of Quality Assurance, DDD.

Abuse, Neglect and Mistreatment

Abuse is defined as the treatment or any act toward a person with developmental disabilities, which would endanger the physical or emotional well-being of the person through the action or inaction on the part of anyone, including an employee, intern, volunteer, consultant, contractor, visitor, family member, caregiver, neighbor, citizen or other person with a disability, whether or not the person is or appears to be injured or harmed. "Caregiver" or persons primarily responsible for care means any person who is for a significant period of time the primary caregiver or is primarily responsible for the management of the funds of the person with a developmental disability. The failure to exercise one's responsibility to intercede on behalf of a person receiving services also constitutes abuse.

Note: The following reportable incidents will include specific notations relating to incidents involving "caregivers" as well as incidents involving two people with developmental disabilities.

Incident Type

Serious Reportable Incident

Physical Abuse

Physical Abuse may include, but is not limited to: physical assault, battery and/or actions such as hitting, slapping, biting, kicking, pinching, burning, pulling hair, strangling, shoving, punching, shaking, dragging, yanking, grabbing or pushing, and/or using more force than is necessary for the safety of the person.

For incidents involving a “caregiver” abuse is defined as the willful subjection of an adult with developmental disabilities to willful infliction of physical pain, willful deprivation of services necessary to maintain physical or mental health or to unreasonable confinement.

For incidents of physical abuse involving two people with disabilities only any personal attack resulting in an injury in which one person needs medical care beyond routine first aid or a series of deliberate acts (i.e. hitting, kicking, slapping, pulling hair, etc.) displayed by one person with a disability towards another person with a disability should be reported to QA. Other incidents should be documented and handled by the agency’s internal Incident Management Committee.

Sexual Abuse

Any sexual contact, consensual or otherwise, between a person receiving services and a paid employee, consultant or contractor of the agency is always considered abuse. Any sexual contact between a person receiving services and an immediate blood relative is incest and is sexual abuse. Any non-consensual sexual contact between a person with a disability and another person with a disability is also sexual abuse.

Sexual Contact is defined as the touching, fondling or intrusion of the genitals or other intimate parts of the person or offender directly or through clothing for the purpose of sexual arousal or gratification .

First Degree Sexual Assault includes any forced or coerced intrusion, however slight, of the vagina, anus, or mouth, by part of another person’s body or by an object including cunnilingus, fellatio.

Second Degree Sexual Assault includes any forced or coerced or intentional touching or sexual contact (not penetration) clothed or unclothed, with a person’s genital area, anal area, groin, buttocks, or the breasts of a female for the purpose of sexual arousal, gratification or assault.

Incident Type

Serious Reportable Incident

Sexual Abuse (continued)

Third Degree Sexual Assault includes penetration where one person is 18 years of age or older and the other is over the age of 14 years, but under the age of consent (age 16 years).

Sexual Exploitation may also include, but is not limited to, causing a person to expose or touch him/herself or anyone else for the purpose of demeaning the person, for the sexual arousal or personal gratification, taking sexual explicit photographs, causing a person to perform sexually explicit acts, forcing or encouraging a person to view pornographic materials, encouraging a person to use sexually explicit language which he/she may not fully understand, the use of harmful genital practices such as creams, enemas, etc. in order to meet the idiosyncratic needs of an offender, etc.

Psychological/ Verbal Abuse

Psychological/verbal abuse includes intentionally engaging in a pattern of harassing conduct which causes or is likely to cause emotional harm. This includes the use of verbal or non-verbal expression or other actions, that subject the person(s) to ridicule, humiliation, contempt, manipulation, or is otherwise threatening, socially stigmatizing and fails to respect the dignity of the individual including name-calling or swearing at a person. Intimidating or condescending actions, behaviors, or demeaning tone of voice or any other pattern of harassing conduct is also considered psychological abuse.

Neglect

Neglect means the failure to provide treatment, care or services necessary to maintain the health and safety of the person. This includes the failure to report or act on health problems of the person or changes in his/her health conditions as indicated within a plan approved by the Division of Developmental Disabilities. Neglect also includes lack of attention to the physical needs of the person including personal care, cleanliness and personal hygiene, meals and/or failure to provide appropriate nutrition or a safe and sanitary environment; failure to carry out a plan of treatment or care prescribed by a physician and/or other health care professional; failure to provide services/supports as indicated within a plan approved by the Division; and failure to provide proper supervision to the person as required within a plan or by a court.

Incident Type

Serious Reportable Incident

Neglect (continued)

Neglect does not include situations in which the person with disabilities refuses to accept services included within their plan. These situations should be reported to the DDD social caseworker.

For incidents involving a “caregiver” neglect means any willful refusal to provide services necessary to maintain the physical or mental health of the adult with a developmental disability.

Mistreatment

Mistreatment includes, but is not limited to: the inappropriate use of medications or restraints as punishment or for the convenience of staff, as a substitute for treatment or care in conflict with a physician’s order, or in quantities which inhibit effective care/treatment which harms or is likely to harm the person.

Unapproved Behavioral Intervention

Unapproved behavior intervention includes the use or misuse of any aversive or restrictive procedure or behavioral intervention used to decrease inappropriate behavior which has not been approved by a Human Rights Committee (HRC) and Professional Review Committee (PRC) prior to implementation. This does not include any emergency procedures as described within agency’s policy manual.

Aversive Procedures

Prohibited use of aversive procedures within an individual’s behavior plan as stated within RI laws include the following.

- a. noxious, painful, intrusive stimuli or activities that result in pain;
- b. any form of noxious, painful, or intrusive spray or inhalant;
- c. electric shock;
- d. water spray into the face;
- e. pinches and deep muscle squeezes;

Incident Type

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Aversive Procedures (continued)

- f. shouting, screaming, or using a loud, sharp, harsh voice to frighten or threaten or use of obscene language;
- g. withholding of adequate sleep;
- h. withholding adequate shelter or bedding;
- i. withholding bathroom facilities;
- j. withholding meals, essential nutrition, or hydration;
- k. removal of an individual's personal property as punishment;
- l. unobserved time-out or room/area solely used for time-out;
- m. facial or auditory screening devices;
- n. use of chemical restraint instead of positive programs or medical treatments; contingent or noncontingent emetics for anything other than medical purposes.

Theft/Financial Exploitation

The use of the funds, personal property or resources of a person receiving services by an individual for his/her own monetary or personal benefit, profit or gain with or without the informed consent of the person. This may include, but not be limited to: coercion or manipulation of a person to spend their own personal funds for something they may or may not have use for or soliciting of gifts, funds or favors. This also includes any theft of or missing property or funds of a person.

For incidents involving a “caregiver” exploitation means an act or process of taking pecuniary advantage of the person with a developmental disability by use of undue influence, harassment, duress, deception, false representation, false pretences, or misappropriation of funds.

<u>Incident Type</u>	<u>Serious Reportable Incident</u>
<i>Injury</i>	Physical harm that is sustained by a person with a disability requiring treatment and/or medical care greater than routine first aid for injuries including, but not limited to, lacerations, burns, fractures, dislocations, sprains, concussions, bruises. All spiral or displaced fractures are considered serious reportable incidents.
<i>Hospitalization</i>	Any unplanned/unexpected admission to a hospital, including psychiatric admissions.
<i>Medication Error</i>	A reportable medication error is defined as the administration of a medication or treatment other than as prescribed, or the failure to administer a prescribed medication or treatment, resulting in the need for assessment/treatment in an emergency room, treatment center, physician's office, or admission to a hospital. A reportable medication error also includes a series of repeated errors or a pattern of errors.
<i>Communicable Disease</i>	Sexually transmitted diseases (STD's) that are newly diagnosed in persons who are unable to provide informed consent and/or are at risk for sexual abuse/exploitation shall be reported. Reportable sexually transmitted diseases include bacterial vaginosis, chlamydia, genital herpes (herpes simplex virus-HSV), genital warts (human papillomavirus- HPV), gonorrhea, syphilis, and trichomoniasis.
<i>Suicide</i>	Any serious threat or actual attempt to end one's own life.
<i>Death</i>	All deaths.

Incident Type

Serious Reportable Incident

Missing Person

Any situation in which a person is missing who is required to be under one-to-one i.e. (eyes-on) supervision at all times or situation which has been reported to the police or situation where there is serious concern for the person's safety/well being.

***Human Rights
Violation***

Any violation of a person's human rights which are listed within RI laws, MHRH Licensing Regulations and/or DDD policies.

***Involvement of Law
Enforcement***

Any serious criminal acts in which local police have been contacted involving a person with a disability such as arson, burglary, theft, or other serious offenses.

Confidentiality

Revealing personal information about an individual with a disability to unauthorized persons or agencies without his/her consent.